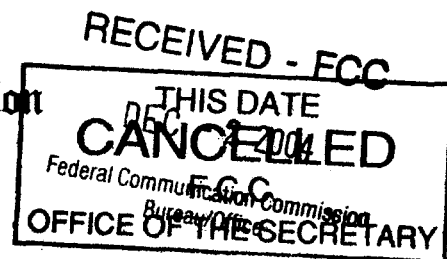


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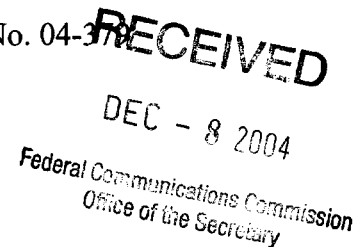
Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of:)
)
Amendment of Section 73.202(b),)
FM Table of Allotments)
FM Broadcast Stations)
(Eatonton, Georgia and Lexington, Georgia))

MB Docket No. 04-378

RM-11086



TO: Audio Division

REPLY COMMENTS OF MIDDLE GEORGIA COMMUNICATIONS, INC.

Middle Georgia Communications, Inc. (hereinafter "Middle Georgia"), by its attorney, hereby respectfully replies to the Comments of Georgia-Carolina Radiocasting, LLC (hereinafter "Georgia-Carolina"), filed in this proceeding on November 18, 2004. In reply thereto, it is alleged:

1. In its Comments, Georgia-Carolina argues that Middle Georgia should not be allowed to move its station from Eatonton, Georgia to Lexington, Georgia because, *inter alia*, Eatonton would be left with a daytime radio station, WKVQ which, according to Georgia-Carolina "has been silent (without Commission approval) repeated times in the recent past." That statement is blatantly false. Attached hereto and marked Exhibit A is the Declaration of Craig M. Baker, the owner of Station WKVQ. As Mr. Baker shows, the stations has rarely been off the air and, even in those rare instances, it has only been off the air one or two days, a time period not requiring either notification to the FCC or permission from the FCC to remain silent.

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List ABCDE

2. Next, Georgia-Carolina argues that the proposed Middle Georgia transmitter site is too close to the Washington-Wilkes Airport and would not receive FAA approval for the tower required in order to provide city-grade service to the community of Lexington. Georgia-Carolina submits a statement from an airspace specialist, Mary Lowe, in which she describes various FAA criteria which would, allegedly, be violated by Middle Georgia's proposed tower. The trouble with this statement is that the FAA does not apply these criteria rigidly. Upon circularization to aviation interests, the FAA often approves towers which exceed various initial criteria. Here, without such a circularization, there is no way of knowing whether the tower would be approved, or not.

3. In any event, the matter is moot. As shown by the attached Engineering Statement of Clyde Scott, one of the stations which limited the selection of a transmitter site for Station WMGZ at Lexington has recently been downgraded to a Class C0 facility. That downgrading creates a very large open area and, as Mr. Scott shows in his statement, a site is readily available which is far away from the airport and easily provides a city-grade service to the community of Lexington.¹

4. Georgia-Carolina also argues that Middle Georgia failed to provide the required gain/loss area information. Georgia-Carolina is in error. That information was provided in a Supplement, filed by Middle-Georgia, on August 30, 2004, which resulted in the issuance of the Notice of Proposed Rulemaking in this proceeding. Nevertheless, just to be on the safe side, counsel filed another Supplement on the date for filing Comments in this proceeding, resubmitting the gain/loss area information. A copy of that

¹ Where, as here, a proponent's transmitter site is challenged, the Commission has allowed the proponent to specify an alternate site. *Crisfield, Maryland*, 19 FCC Rcd 14, 612 (Audio Division 2004).

Supplement is attached, and marked Exhibit C. It was sent to the FCC by Federal Express on November 17, 2004, and Federal Express shows that it was received by T. Tucker in the FCC's mail facility on November 18, 2004. See copy of Federal Express receipt, attached and marked Exhibit D.

5. In short, none of the arguments advanced by Georgia-Carolina have any merit, whatsoever. Therefore, the requested rule change should be approved, and the license of Station WMGZ(FM) should be modified to specify operation as a Class C2 facility at Lexington, Georgia.

December 1, 2004

Law Office of
LAUREN A. COLBY
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113

Respectfully submitted,

MIDDLE GEORGIA
COMMUNICATIONS, INC.

By: 

Lauren A. Colby
Its Attorney

CERTIFICATE OF SERVICE

I, Kelli A. Muskett, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 2nd day of December, 2004, to the offices of the following:

Dan J. Alpert, Esquire
The Law Office of Dan J. Alpert
2120 North 21st Road
Arlington, Virginia 22201



Kelli A. Muskett

EXHIBIT A

STATE OF GEORGIA

)

ss.

COUNTY OF PUTNAM

)

DECLARATION

Craig M. Baker hereby declares under penalty of the laws of perjury that the following is true and correct:

1. I am the owner of, and hold a license issued by the Federal Communications Commission ("FCC"), for AM Broadcast Station WKVQ, Eatonton, Georgia. I understand that in Comments filed with the FCC, Georgia-Carolina Radiocasting, LLC has made the statement that Station WKVQ "has been silent (without Commission approval) repeated times in the recent past." That statement is just plain false.

2. There have been rare instances in which Station WKVQ has been off the air for a day or two. The station has never been off the air for any longer period of time. In fact, it has been such a long time since the station has been off the air, for even a day, that I cannot remember when that last happened.

3. The station has never been silent long enough to require even notification to the FCC, much less permission from the FCC.

Further declarant sayeth not.

CRAIG M. BAKER

Date: November 30, 2004

By

Craig M. Baker

EXHIBIT B

MIDDLE GEORGIA COMMUNICATIONS, INC.
WMGZ (FM)
EATONTON, GEORGIA

TECHNICAL STATEMENT
IN SUPPORT OF
MB Docket No. 04-379

December - 2004

The following technical statement and related exhibits have been prepared on behalf of Middle Georgia Communications, Inc. as part of reply comments in MB Docket No. 04-379.

New Proposed Site:

At the time of the original proposal, WHZT, licensed to Seneca, SC was operating as a full C class facility which limited the amount of clear area to locate channel 249C2. Since the original filing, WHZT has been down classed to a class C0 facility and the clear area to locate is now much larger. Offered as exhibit 1B is a plot of the clear area added since the down class of WHZT. Offered as exhibit 1 and 1A is spacing study utilizing this newly created clear area to specify a more desirable site to locate channel 249C2. Offered as exhibit 1C is a plot showing the new site to be 11.17 km (6.94 miles) from the Wilkes County airport. Therefore, aerospace clearance is not an issue.

City Grade Coverage:

Offered as exhibit 2 is a plot showing the actual 70 dBu (3.16 mV/m) contour from the proposed site. This exhibit includes the actual contour using terrain data and a 32.6 km circle contour. Exhibit 2 clearly shows the entire city of Lexington Georgia will be encompassed within this contour. Also included is a line of sight study showing no terrain obstructions between the site and the proposed city of license.

Gain Loss Study:

Exhibit 3 is a gain loss study considering the proposed new site and the present C3 site for WMGZ. The total population within the proposed 60 dBu (1.0 mV/m) contour is 146,203 persons. The present population is 98,731. The total population within the overlap area is 9,740 persons which will see no service change with this proposal. The total population gained by this proposal is 47,472 persons. The total area within the proposed contour is 8511 sq km. The area within the present contour 4741 sq. km. A total of 685 sq km is in the overlap area. This results in a net gain of 3,770 sq km.

Conclusion:

Middle Georgia Communications, Inc. requests the Commission amend section 73.202 (b) of the Commissions rules to reflect a change in the city of license of FM station WMGZ from Eatonton to Lexington, Georgia. The above technical statement and related attached exhibits show that this proposal passes muster with all Commissions rules and therefore should be granted.

Clyde Scott, Jr.
EME Communications
293 JC Saunders Road
Moultrie, GA 31768
229-890-2506
cscott@emecom.com

EXHIBIT - 1
SPACING STUDY FROM PROPOSED NEW SITE

REFERENCE
33 51 00 N
82 46 38 W

CLASS = C2
Current Spacings

DISPLAY DATES
DATA 11-20-04
SEARCH 11-29-04

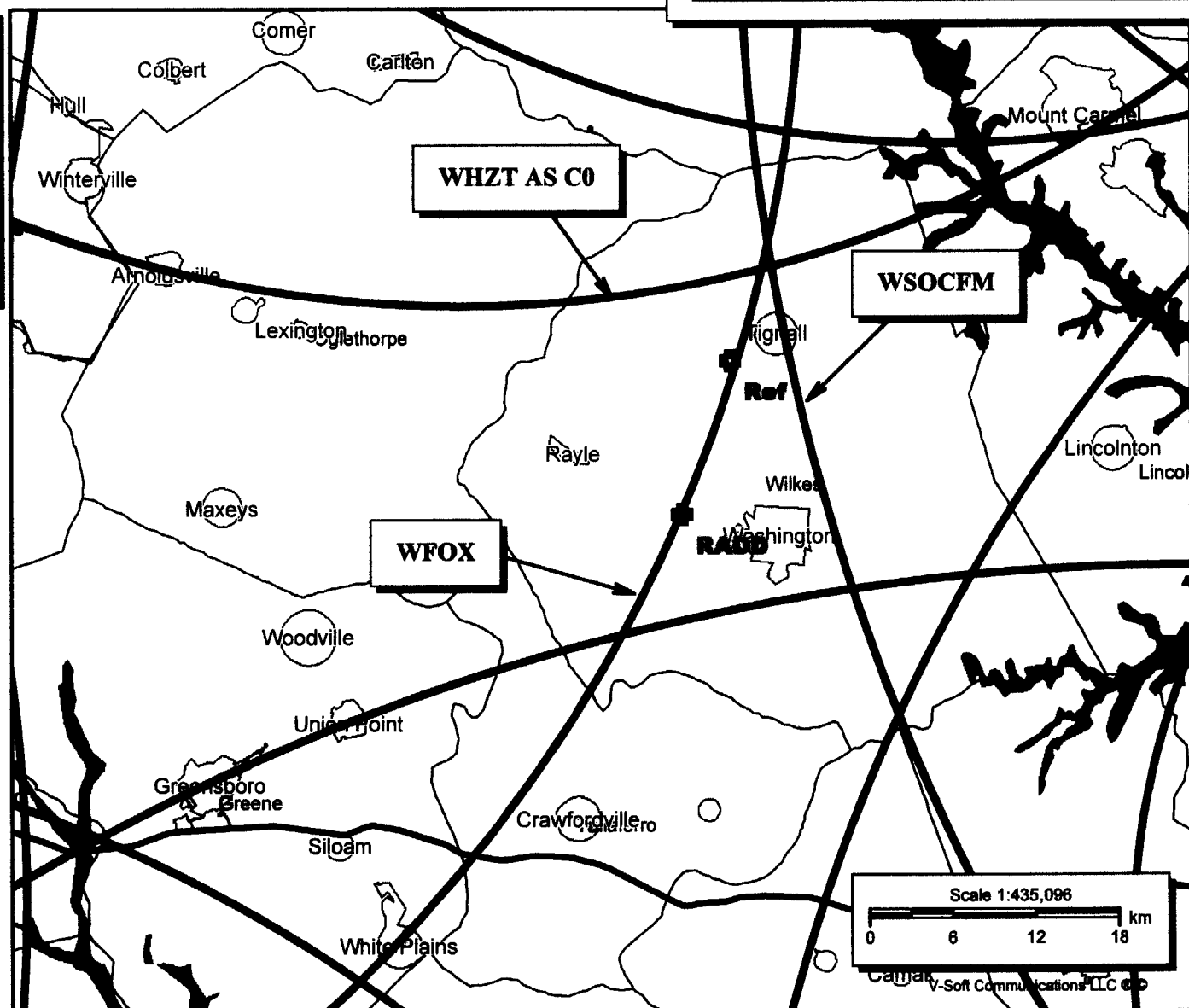
----- Channel 249 - 97.7 MHz -----

| Call | Channel | Location | Dist | Azi | FCC | Margin |
|---------|-------------|--------------|-----------|-------|-------|---------|
| RADD | ADD 249C2 | Lexington | GA 11.53 | 197.5 | 190.0 | -178.47 |
| RDEL | DEL 249C3 | Eatonton | GA 69.94 | 216.7 | 177.0 | -107.06 |
| WMGZ | LIC 249C3 | Eatonton | GA 69.94 | 216.7 | 177.0 | -107.06 |
| WFOX | LIC 246C | Gainesville | GA 104.51 | 287.4 | 105.0 | -0.49 |
| WCOSFM | LIC 248C1 | Columbia | SC 162.23 | 78.0 | 158.0 | 4.23 |
| RADD | ADD 251C0 | Seneca | SC 94.88 | 348.4 | 89.0 | 5.88 |
| WHZT | LIC 251C0 | Seneca | SC 94.88 | 348.4 | 89.0 | 5.88 |
| WHZT.C | CP -Z 251C1 | Seneca | SC 95.81 | 9.4 | 79.0 | 16.81 |
| WTCQ | LIC 249A | Vidalia | GA 183.57 | 169.9 | 166.0 | 17.57 |
| WIIZ | LIC 250C2 | Blackville | SC 152.81 | 122.0 | 130.0 | 22.81 |
| WPEG | LIC-D 250C | Concord | NC 224.21 | 41.0 | 188.0 | 36.21 |
| WSLT | LIC 252A | Clearwater | SC 93.86 | 116.6 | 55.0 | 38.86 |
| WIBBFM | LIC 250C3 | Fort Valley | GA 168.82 | 212.9 | 117.0 | 51.82 |
| WKCX | LIC-Z 249C3 | Rome | GA 230.47 | 281.4 | 177.0 | 53.47 |
| WPZE | LIC 248C3 | Fayetteville | GA 172.15 | 257.1 | 117.0 | 55.15 |
| WJXBFM | LIC 248C | Knoxville | TN 261.84 | 336.7 | 188.0 | 73.84 |
| WUFFFFM | LIC 248A | Eastman | GA 184.73 | 193.0 | 106.0 | 78.73 |
| WUFFFFM | APP 248A | Eastman | GA 185.21 | 192.9 | 106.0 | 79.21 |

PROPOSED NEW SITE
 Lexington, GA.
 Latitude: 33-50-59.99 N
 Longitude: 082-46-38 W
 ERP: 10.00 kW
 Channel: 249
 Frequency: 97.7 MHz
 AMSL Height: 0.0 m
 Elevation: 0.0 m
 Horiz. Pattern: Omni
 Vert. Pattern: No
 Prop Model: None

EXHIBIT - 1A

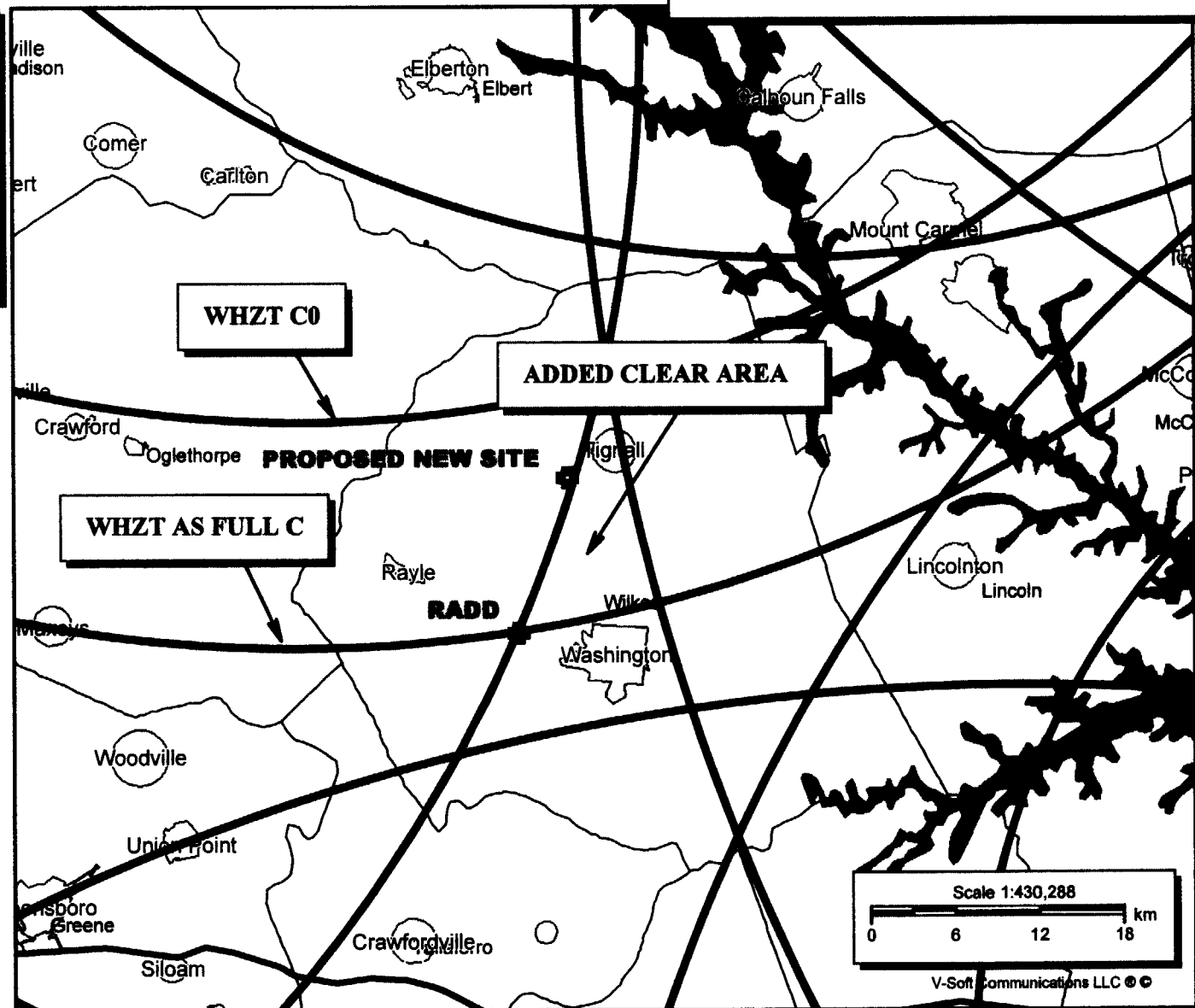
EME COMMUNICATIONS - MOULTRIE, GA.



EME COMMUNICATIONS - MOULTRIE, GA.

PROPOSED
Lexington, GA.
Latitude: 33-50-59.99 N
Longitude: 082-46-38 W
ERP: 10.00 kW
Channel: 249
Frequency: 97.7 MHz
AMSL Height: 100.0 m
Elevation: 0.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

EXHIBIT - 1B



EME COMMUNICATIONS - MOULTRIE, GA.

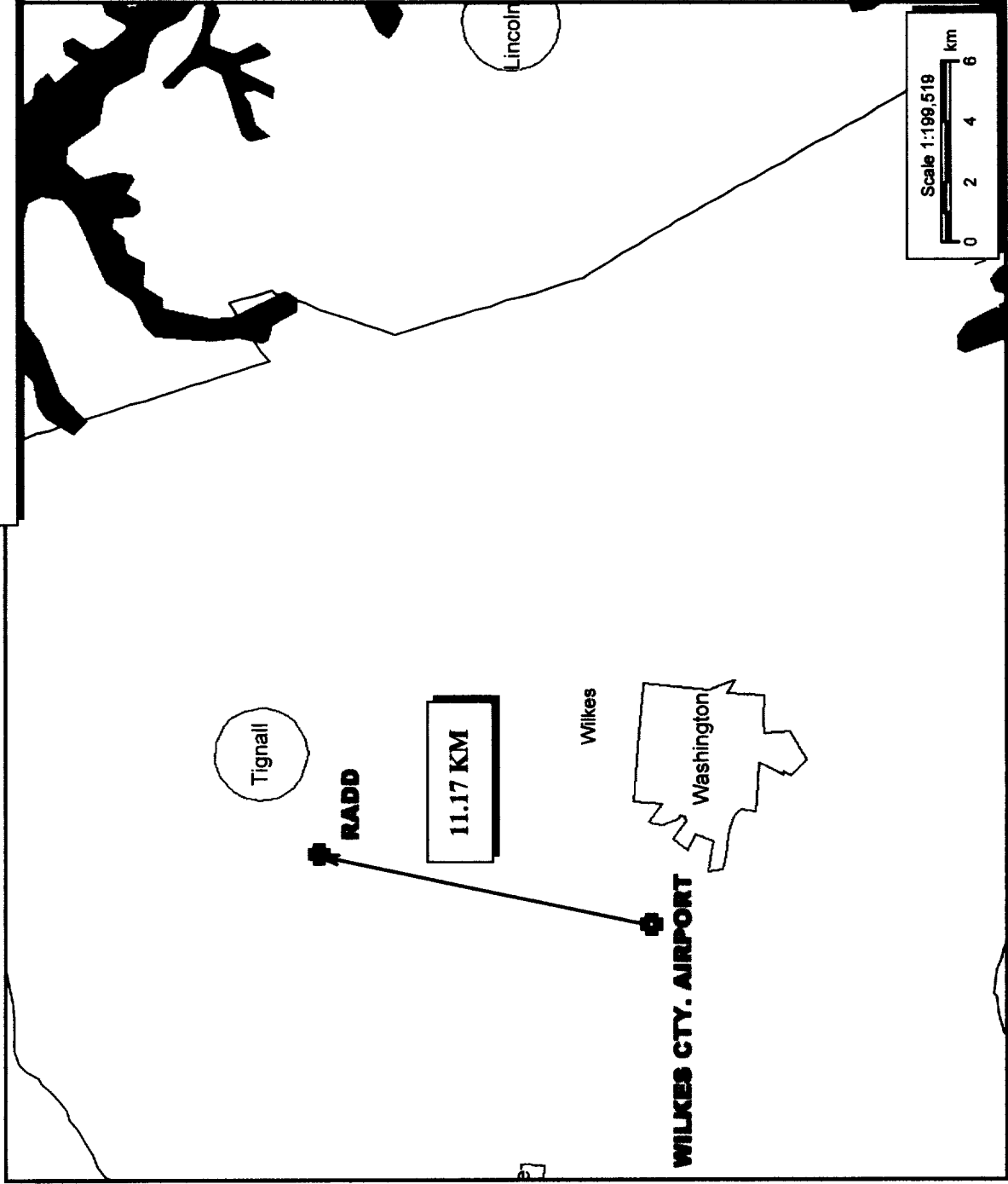
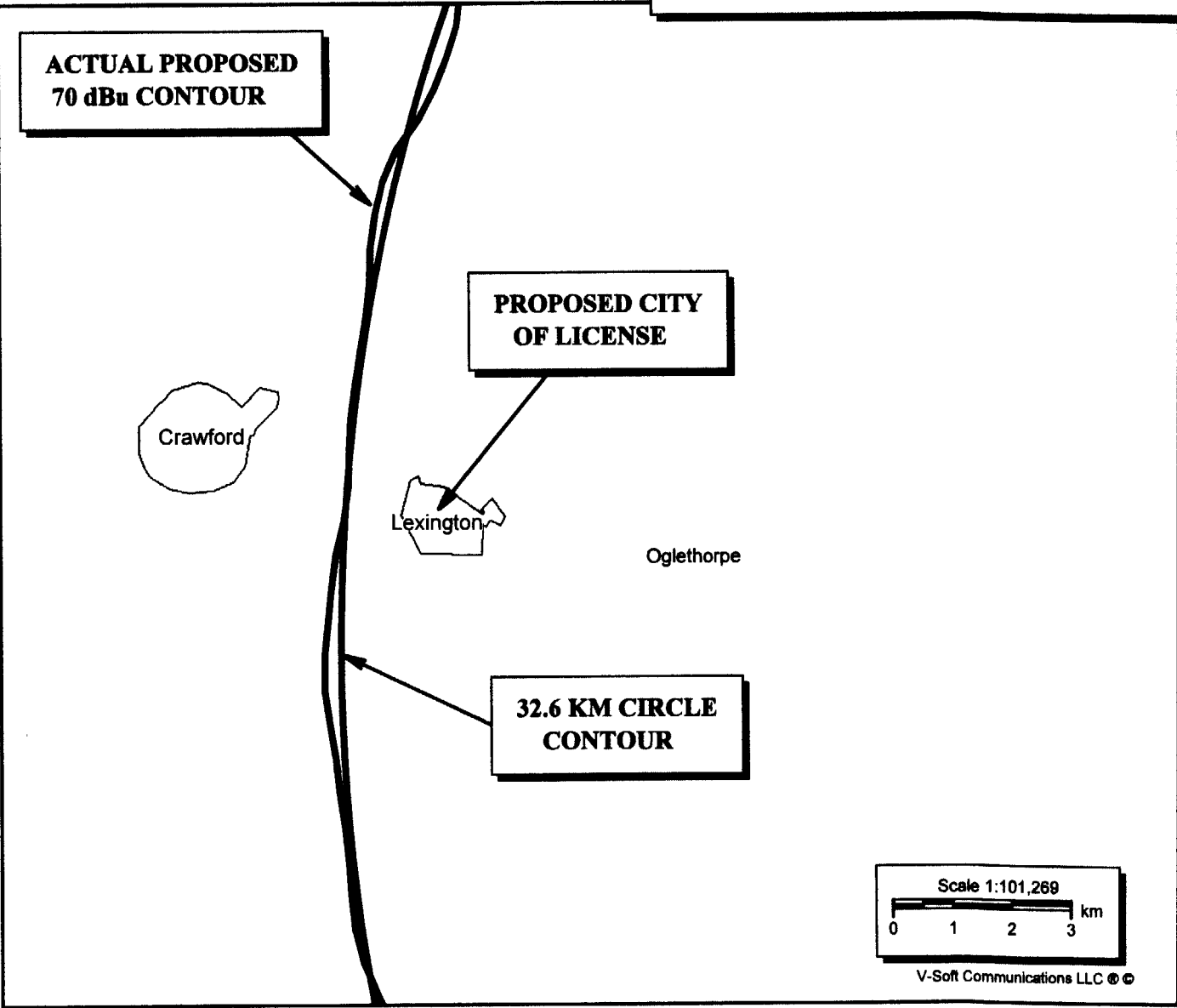


EXHIBIT 1C

EME COMMUNICATIONS - MOULTRIE, GA.

PROPOSED
Lexington, GA.
Latitude: 33-51-00 N
Longitude: 082-46-38 W
ERP: 50.00 kW
Channel: 249
Frequency: 97.7 MHz
AMSL Height: 307.0 m
Elevation: 150.85 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

EXHIBIT - 2



Earth's Curvature = 1.33

Elevation (m)

Field Strength (dBu)

Distance (km)

Signal Profile Fresnel Curvature

Frequency = 97.7 MHz
Fresnel Zone: 0.6

RADD
 Latitude: 33-51-00 N
 Longitude: 082-46-38 W
 ERP: 50.00 kW
 Channel: 249
 Frequency: 97.7 MHz
 AMSL Height: 307.0 m
 Elevation: 150.85 m
 Hertz Pattern: Omni
 Vert. Pattern: No
 Prop Model: None

EXHIBIT - 3

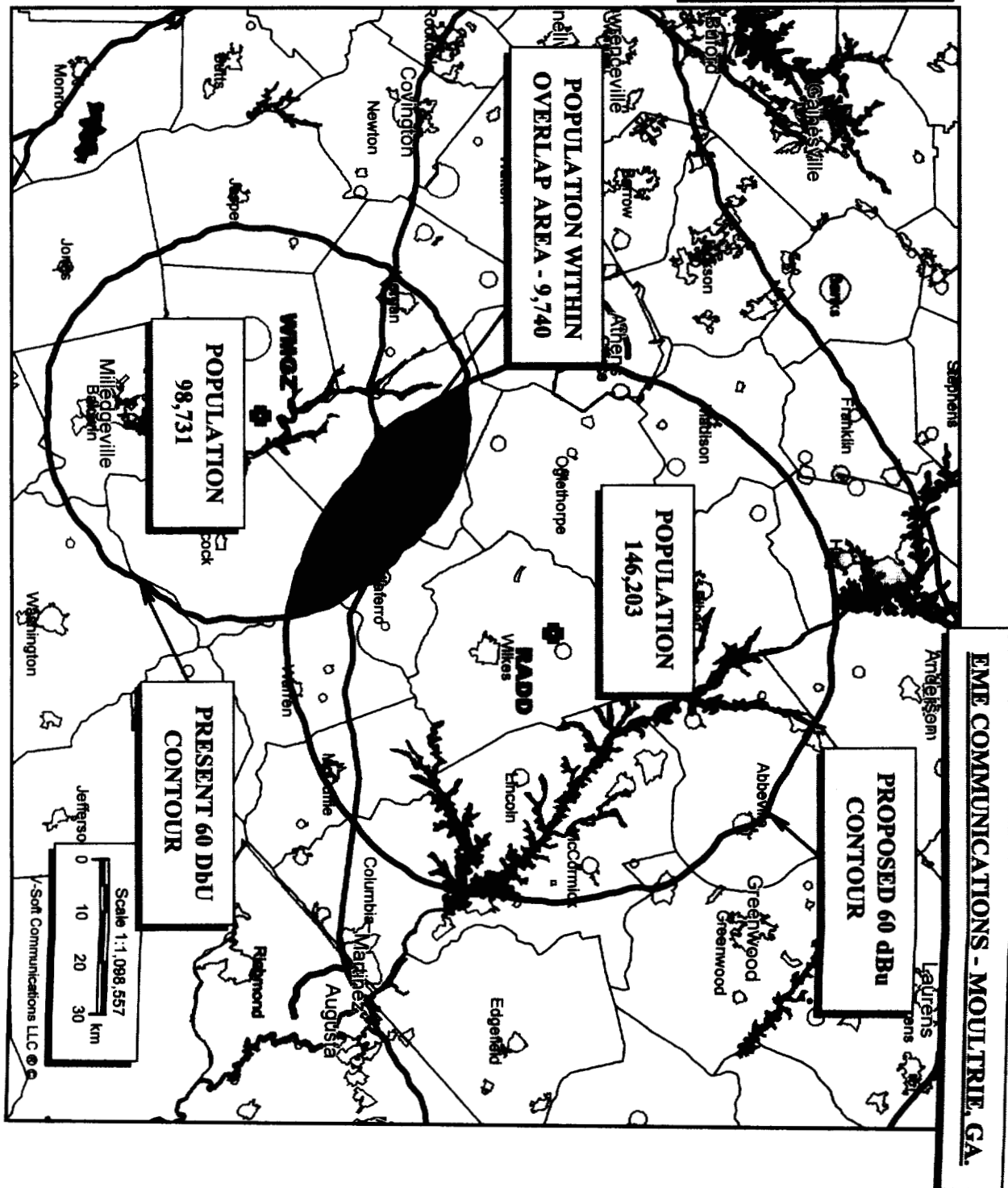


EXHIBIT C

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:

Amendment of Section 73.202(b),
FM Table of Allotments
FM Broadcast Stations
(Eatonton, Georgia and Lexington, Georgia)

)
)
) MB Docket No. 04-379
)
) RM-11086
)

TO: Audio Division

SUPPLEMENT TO COMMENTS OF
MIDDLE GEORGIA COMMUNICATIONS, INC.

Middle Georgia Communications, Inc. (hereinafter "Middle Georgia"), by its attorney, hereby supplements its Comments, filed in this proceeding, by the submission of the attached Technical Statement, showing the gain and loss areas resulting from the proposed re-allotment of Channel 292 from Eatonton, Georgia to Lexington, Georgia, and the reclassification of the channel from Class C3 to Class C2.

Respectfully submitted,

November 17, 2004

MIDDLE GEORGIA
COMMUNICATIONS, INC.

Law Office of
LAUREN A. COLBY
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113

By: 

Lauren A. Colby
Its Attorney

MIDDLE GEORGIA COMMUNICATIONS, INC.
WMGZ (FM)
EATONTON, GEORGIA

TECHNICAL STATEMENT
IN SUPPORT OF
MB Docket No. 04-379

November 16, 2004

Gain-Loss study

Attached as exhibit 1 is a plot showing the proposed and present 60 dBu contours. The total population that would receive service within the proposed contour is 124,627 persons. The total population that would see no change (overlap area) is 17,598 persons. The total population presently served by this contour is 98,442 persons. As a result of this proposal, a total of 8,632 persons would receive new service not presently offered by WMGZ.

Attached as exhibit 2 is a plot showing the proposed and present 70 dBu contour. The total population within the proposed contour is 26,553 persons. The total population presently served by this contour is 32,947 persons. As a result of this proposal, a total of 6,394 persons would experience a loss in service presently offered by WMGZ.

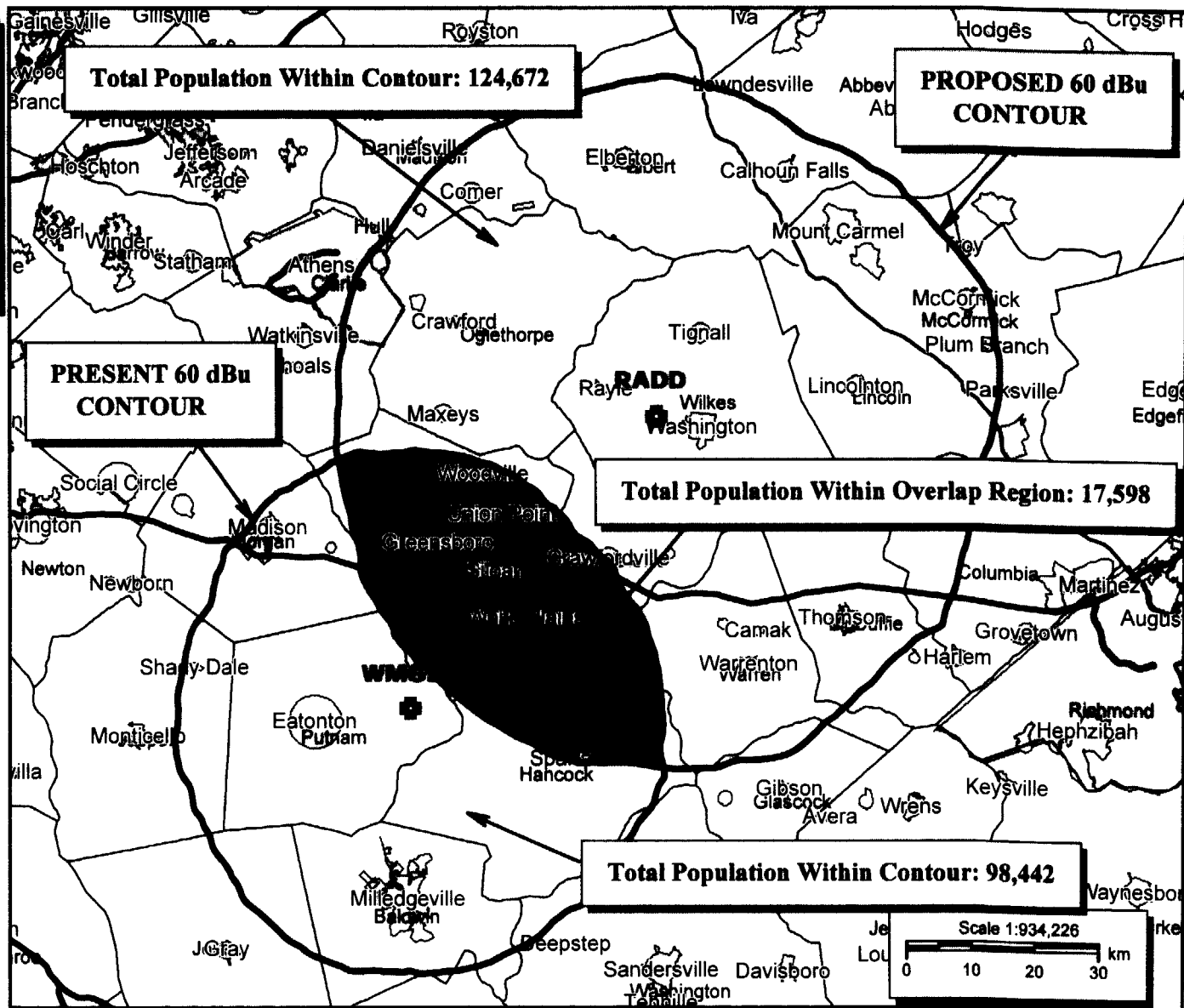
Clyde Scott, Jr.
EME Communications
293 JC Saunders Road
Moultrie, GA 31768
229-890-2506
cscott@emecom.com

RADD

Latitude: 33-45-03 N
Longitude: 082-48-53 W
ERP: 90.00 kW
Channel: 249
Frequency: 97.7 MHz
AMSL Height: 311.466 m
Elevation: 162.86 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

WMGZ

BLH19991018ABS
Latitude: 33-20-41 N
Longitude: 083-13-41 W
ERP: 8.50 kW
Channel: 249
Frequency: 97.7 MHz
AMSL Height: 315.0 m
Elevation: 198.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

EXHIBIT 1

RADD
 Latitude: 33-46-03 N
 Longitude: 083-48-43 W
 ERP: 50.00 kW
 Channel: 249
 Frequency: 97.7 MHz
 AMSL Height: 311.466 m
 Elevation: 162.86 m
 Horiz. Pattern: Omni
 Vert. Pattern: No
 Prop Model: None

WMGZ
 BLH19991018ABS
 Latitude: 33-20-41 N
 Longitude: 083-13-41 W
 ERP: 8.50 kW
 Channel: 249
 Frequency: 97.7 MHz
 AMSL Height: 315.0 m
 Elevation: 198.0 m
 Horiz. Pattern: Omni
 Vert. Pattern: No
 Prop Model: None

EXHIBIT 2

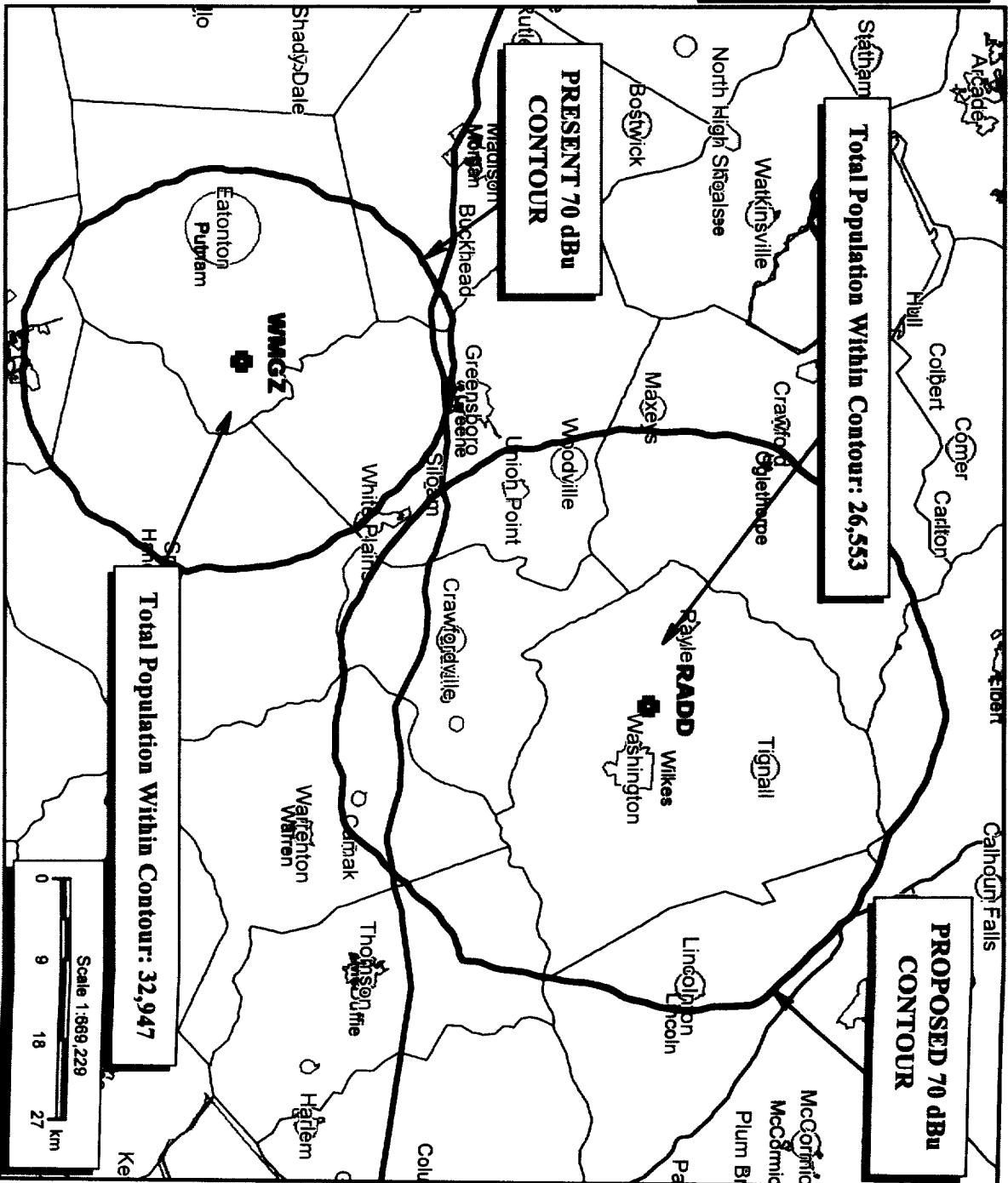


EXHIBIT D

Track Shipments
Detailed Results[? Quick Help](#)

| | | | |
|------------------------|----------------------|--------------------------|---------------------|
| Tracking number | 792780664633 | Reference | Ptak/Stone Supp |
| Signed for by | T.TUCKER | | Comments |
| Ship date | Nov 17, 2004 | Delivery location | Capitol Heights, MD |
| Delivery date | Nov 18, 2004 9:34 AM | Delivered to | Shipping/Receiving |
| | | Service type | Priority Envelope |
| | | Weight | 0.5 lbs. |

| | |
|---------------|-----------|
| Status | Delivered |
|---------------|-----------|

| Date/Time | Activity | Location | Details |
|---------------------|--|---------------------|---------|
| Nov 18, 2004 | 9:34 AM Delivered | Capitol Heights, MD | |
| | 8:40 AM On FedEx vehicle for delivery | CROFTON, MD | |
| | 7:43 AM At local FedEx facility | CROFTON, MD | |
| | 2:39 AM At dest sort facility | BALTIMORE, MD | |
| Nov 17, 2004 | 8:39 PM Left origin | HAGERSTOWN, MD | |
| | 5:51 PM Picked up | HAGERSTOWN, MD | |
| | 2:35 PM Package data transmitted to FedEx; package not in FedEx possession | | |

[Signature proof](#)[Track more shipments](#)

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

From

To

Add a message to this email.

[Send email](#)